

CONCLUDING REMARKS

Applicant specifically requests of Examiner to note that Applicant is not questioning Examiner's professional qualifications with respect to the particular art pertinent to the claimed invention and the applied prior art references. Applicant has been clearly told by the PTO as well as by the CAFC that Examiner's role is that of performing an "administrative and adjudicative" function and that Examiner's particular professional qualifications with respect to the subject matter of the claimed invention are immaterial.

However, the very fact that Examiner's professional qualifications with respect to the subject matter of the claimed invention are supposed to be immaterial, makes it clear that Examiner may not be presumed to be qualified to properly interpret the claimed invention and the applied prior art documents.

For the very reason that Examiner may not be presumed to be so qualified, it is necessary that evidence be provided with respect to the appropriateness of the qualifications possessed by the particular individual who rendered the interpretation of the prior art documents upon which Examiner relied for his decision of unpatentability.

Thus, in accordance with ordinary rules of evidence, Applicant simply requests evidence of appropriate qualifications on part of that individual (be it Examiner or someone else). Clearly, without such evidence, any opinions and/or interpretations provided by Examiner must be considered as strictly uninformed opinions and therefore of no legal or professional consequence.


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